

Meeting Minutes
Iowa Child Abuse Registry Meeting
August 26, 2011

Location: Hoover State Office Building; First Floor; Conference Rooms 1 & 2; 1305 East Walnut Street; Des Moines, Iowa.

Members Present: Ruth Cooperrider, Anna Dey, Jeff Farrell, Jerry Foxhoven, Shellie Mackel, Wendy Rickman, Steve Scott, Deborah Thompson, Barbara Van Allen, Josh Bornsink, Patty Funaro.

Members Absent: Vern Armstrong, Susan Ault, Jean Davis, Keith Kudej, Jana Lewis, Amber Markham, Denise Moore, Chuck Palmer, John Pollak, Rod Roberts, Mike Sorci, Beverly Zylstra.

Pre-Meeting Meeting Handouts: Agenda; Opinion in Doe v. Iowa Dept. of Human Services; House File 562; Iowa Code §232.71D; Chapter 175 of the Iowa Administrative Code.

Meeting Handouts: Agenda, Section 7, House file 562; 3/11/11 DHS Press Release; Rules of Civil Engagement; Worksheet for Strategic Development; State Laws on Child Abuse Registries (from Child Welfare Information Gateway HHS).

The meeting was called to order at 10:00 a.m.

Introductions and Welcome: All members and guests were welcomed and introduced themselves. Jerry Foxhoven passed out the meeting exhibits and reviewed the contents of Section 7 of House file 562, emphasizing that this bill would be the driving force for the work of the group.

Membership: Ruth Cooperrider suggested that the Attorney General's Office be contacted to include a member from that office to this group. She pointed out that this is required in House File 562. Wendy Rickman agreed to contact Diane Stahle to determine a person to serve on this workgroup from the Attorney General's office. Barbara Van Allen raised the issue of including lay people on the workgroup. Jerry Foxhoven pointed out that Denise Moore is on the group from parent partners, and that he would work to ensure that she was available for the next meeting. Wendy Rickman also pointed out the importance of including a user of the child abuse registry for employment information, especially a child care representative. It was pointed out that Keith Kudej has indicated a strong interest in continued participation, but was just not available for this meeting. Likewise, it was agreed that Jerry Foxhoven would contact

Jana Lewis to ensure her interest and availability to participate and, if she cannot participate, to locate another member from the child care community.

Rules of Civil Engagment and Discussion: A discussion ensued to develop Rules of Civil Engagement and Discussion for the workgroup. Jerry Foxhoven presented a list of proposed items to be included. Steve Scott asked to include that parties make a commitment to make every attempt to attend all meetings and that issues resolved at a meeting would not be entirely revisited because of a member who had not been present at that meeting. Jerry Foxhoven agreed to complete the worksheet that was distributed before the meeting to include the additional element discussed in the meeting and to circulate the same to members of the workgroup via email.

Accumulation of Data and Other Information: The balance of the handouts were distributed and discussed. Steve Scott indicated that, while the press release from DHS that was distributed did show a slight reduction in founded child abuse, the number of confirmed child abuse cases had actually risen. Jerry Foxhoven indicated that any member of the group could request additional or more in-depth research to be performed before the next meeting or for any subsequent meeting, and invited members of the workgroup who had access to data that is important to the group provide the same to him for distribution to the group. The following issues were discussed with information either provided or requested:

a. The Appeals Process: Jeff Farrell indicated that the delay in scheduling hearings on appeals is primarily due to the lack of availability of an assistant Attorney General, rather than the availability of a judge. Shellie Mackel indicated that she recently participated in a pre-hearing conference on a case where the telephone hearing on the case was set for July of 2012 (almost a year away). Jeff Farrell indicated that he would guess that, if an Assistant Attorney General were always available, a hearing could be scheduled in as little as 45 days, but more likely in 60-90 days. Ruth Cooperrider asked for information from DHS and attorney general's office to review the possibility of shifting financial resources to expand the attorney general positions involved in child abuse appeals, as a possible short-term solution mentioned in House File 562. Jeff Farrell also indicated that the number of full-day appeals account for some delay and problems because, if the case is resolved, it leaves an entire day vacant for the judge. Barbara Van Allen indicated that there are some cases where parents have indicated that they feel "bullied" by the Attorney General's office to dismiss their case. She believes that unrepresented parties are more likely being pushed into dismissing their appeal. Ruth Cooperrider suggested that a flow chart be constructed to show the progress of a case through the registry appeal, and that time frames be included. Jeffrey Farrell also indicated that, to his knowledge, Iowa is the only state that considers parents to be "parties" to a child abuse registry appeal. While the Iowa Code appears to just give the parents standing and the ability to intervene, DHS policy

treats them as a party, thereby requiring notice and allowing a parent to prevent a settlement/agreement.

b. Differential Response: Steve Scott emphasized that, when the discussion is had about “differential response”, it should be noted that there are two types of differentials responses: one at the “front end” in the assessment process by DHS and the other at the “back end” in the determination of who is put on the registry, for how long and whether or not there is a mechanism for subsequent removal from the registry. Steve emphasized his hope that the differential response on the front end would not be driven by registry decisions. Members noted that the group should review both types of differential response. Wendy Rickman noted that she had received notice of a conference on Differential Response in Chicago to be held in November. She said she would explore the possibility of sending one or more people from this workgroup to that conference. Ruth Cooperrider asked Jerry Foxhoven to provide copies of statutes of Minnesota and, perhaps, other states that may have differential responses on the “back end.”

Strategy for Completion of the Groups Work: A general discussion was held concerning the development of a strategy for the future work of the workgroup, along with projected subjects and projects for meetings. Subjects for each of the four remaining meetings were tentatively set. Jerry agreed to place them on the Workgroup Plan and distribute them with the minutes of this meeting. The plan involves concentrating first on more short-term or immediate steps that can be taken, with or without legislation, and then moving on to more long-term approaches. The following strategy for progress of the group was established:

- September Meeting: First, explore the short-term changes, including speeding up the appeals process. Second, explore the broad purposes of the child abuse registry: what was it designed for, what is the purpose now, what should the purpose be, and is the current system meeting the current or proposed goal.
- October Meeting: First, examine Child Abuse Worker training. Second, examine the possibility of a differential response on the registry (on the “back end”) including who gets on the registry, for how long, and the possibility of being removed from the registry.
- November Meeting: First, examine differential response from the assessment level (on the “front end”). Second, examine the current intake procedures used by DHS.
- December Meeting: Review and recommend revisions of a draft of the report to the legislature, including possible “minority” views of members. The report will be finalized after the December meeting by final circulation by email to members of the group.

Process for Distribution of Information: The group was asked to submit items to be included in the agenda for the next meeting to Jerry Foxhoven at least a week prior to that meeting. Wendy Rickman also asked the group to provide any materials, data and other information to be submitted to the group at a meeting to Jerry Foxhoven no later than the Monday immediately preceding the scheduled meeting, to allow Jerry to submit the information to the group in a package prior to the meeting. Jerry Foxhoven agreed to prepare the tentative agenda for the next meeting and to distribute it along with the minutes from this meeting within the next week.

Future Meetings: Future meetings for the workgroups were set. There will be four future meetings: Thursday, September 22nd; Friday, October 21st; Friday November 18th; and Friday December 2nd. All meetings will begin at 10:00 a.m. and conclude at noon and will be held at the Library in the Drake Legal Clinic at 2400 University Avenue in Des Moines.

Member Resources: The following members agreed to provide the following data/information for the next meeting:

1. **Jerry Foxhoven:** He will construct the flow chart requested with consultation with various members. Jerry will also conduct some research on other state statutes, especially Minnesota, that may have a differential response to the registry issue.

2. **Jeffrey Farrell:** He will assemble data concerning the numbers of cases disposed of by dismissal, defaults, and settlements involving removal from the registry. He also agreed to assemble data as to the number of appeals going to hearing that were affirmed vs. the number reversed (removed from the registry). He will also obtain data concerning the timing of settlements.

3. **Shelly Mackel:** She will obtain data on the Legal Aide cases showing the timing of the cases as well as the ultimate settlements or outcomes after hearings.

4. **Wendy Rickman:** She will obtain the data on assessments. She will also obtain the “straw man” information for evaluating the extent of risk necessitating placement on the registry. She will also investigate a “Differential Response” conference in Chicago scheduled for November.

Public Comment: Jerry Foxhoven called for public comment. Kristie Oliver, the Executive Director of the Coalition for Family and Children’s Services in Iowa asked to be included on future mailings for the group.

The meeting was adjourned at 11:50 a.m.

Jerry Foxhoven, Meeting Facilitator